IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMEMT NO.303 OF 2006

IN

SUIT NO.2631 OF 2004

Anand Krishna Shinde. ...Plaintiff.

vs.

Hanumant W. Katake & another. ...Defendants.

Mr.J.S.Kini, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 19th SEPTEMBER,2006.

P.C.:

1. The summons for judgment is directed against the defendant nos. 1 and 4. Affidavit of service has been filed. Defendant nos. 1 and 4 have not filed any application for leave to defend. In terms of the provisions of Order 37 of Civil Procedure Code, in the absence of any application filed for leave to defend, the plaintiff becomes entitled to a judgment.

2. I have heard the learned Counsel appearing for plaintiff. Perused the record. The summons for judgment is granted. The suit of the plaintiff is decreed against the defendant nos. 1 and 4 in terms of prayer clause (a).

3. The plaintiff has filed affidavit of service showing that the defendant nos.2,3,5 and 6 are served with the writ of summons. They have not filed appearance. They are not appearing. Therefore, in terms of provisions of Order 37 of C.P.C. the plaintiff is entitled to a judgment against them also. The suit of the plaintiff is therefore, also decreed against defendant nos. 2,3,5 & 6 in terms of the prayer clause (a) of the suit. Refund of court fees as per rules.